

1
2
3
4
5
6
7
8 **UNITED STATES DISTRICT COURT**
9 **SOUTHERN DISTRICT OF CALIFORNIA**
10

11 JORGE DELGADILLO-ARANDA,
12 Petitioner/Defendant,
13 vs.
14 UNITED STATES OF AMERICA,
15 Respondent/Plaintiff.
16
17

CASE NO. 11CR1549-LAB/
11CV2535-LAB

**ORDER DENYING 28 U.S.C.
§ 2255 HABEAS MOTION**

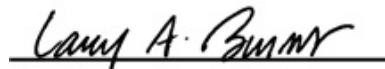
18 Jorge Delgadillo-Aranda is currently serving an 18-month sentence for being a
19 deported alien found in the United States. Now before the Court is his habeas petition
20 brought pursuant to 28 U.S.C. § 2255, through which he seeks a sentence reduction. He
21 seeks the reduction on the ground that, due to his alien status, he is ineligible for a one-year
22 sentence reduction through a drug program, or early release into a halfway house. He
23 argues that deprivation of these benefits or privileges due to his alien status violates his Fifth
24 and Fourteenth Amendment rights to due process and equal protection. This is a familiar
25 claim that aliens make in federal habeas petitions, using what appears to be a form pleading,
26 and the Court has consistently rejected it. *See Rendon-Inzunza v. United States*, 2010 WL
27 3076271 (S.D. Cal. 2010); *Lizarraga-Lopez v. United States*, 89 F. Supp. 2d 1166 (S.D. Cal.
28 2000).

1 Furthermore, Delgadillo-Aranda pleaded guilty and, as part of his plea agreement,
2 waived appeal, provided the Court did not sentence him above the high end of the guideline
3 range recommended by the government pursuant to the plea agreement. In fact, the Court
4 sentenced him to significantly less than even the low end of the guideline range he agreed
5 to in the plea agreement, and which the government recommended. The plea agreement
6 contemplates a guideline range of 33 to 41 months. See Plea Agreement (Docket no. 15,
7 at 2); Sentencing Summary Chart (Docket no. 21, at 1, incorporating terms of plea
8 agreement regarding guidelines and recommending sentence of 33 months). The Court
9 sentenced him to 18 months, plus three years' supervised release. Collateral attack was
10 therefore waived.

11 The petition is **DENIED**. The Court also **DENIES** him a certificate of appealability.
12 See 28 U.S.C. § 2253(c)(2).

13 **IT IS SO ORDERED.**

14 DATED: July 9, 2012

15 

16 **HONORABLE LARRY ALAN BURNS**
17 United States District Judge
18
19
20
21
22
23
24
25
26
27
28